

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THEODORE KING and
GARY LA BARBERA, et al.,

Plaintiffs,

- against -

CERTIFIED FENCE CORP.,

Defendant.

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**REPORT AND
RECOMMENDATION**

04 CV 5715 (RJD)

s/ Judge Raymond J. Dearie

3/15/07
Adopted Clerk
to enter judgment
So ordered
WSTD

Plaintiffs, Trustees of Local 282 of the International Brotherhood of Teamsters Welfare, Pension, Annuity, Job Training and Vacation/Sick Leave Trust Funds (the "Funds"), filed this action on December 30, 2004 against defendant Certified Fence Corp. ("Certified"), pursuant to the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 *et seq.* ("ERISA"), and the Labor Management Relations Act of 1947, 29 U.S.C. § 185 ("LMRA"), seeking to recover delinquent contributions owed to the Funds. Plaintiffs also seek a permanent injunction requiring defendant to submit the required contribution reports and payments in accordance with the rules of the Funds, for so long as defendant remains obligated.

Following service of the Summons and Complaint, defendant appeared in the action and the parties entered into a stipulation of settlement, which was So Ordered by the court and entered as of February 14, 2005. When defendant failed to make payments as required under the terms of the settlement, plaintiffs moved for default, seeking to enforce the terms of the settlement, along with late charges consisting of interest, liquidated damages and attorneys' fees, and a permanent injunction.